

TERALYN THOMPSON

From: Felicia Novak <Felicia@nevadasfinestproperties.com>
Sent: Wednesday, November 18, 2015 12:14 PM
To: TERALYN THOMPSON
Subject: Petition to Reconsider

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Ms. Thompson,

Please allow this email to service as my Petition to the Real Estate Commission to Reconsider Commission's Decision regarding my appeal. As I read the notice of dates, I misunderstood that all three days were for the Real Estate Division and not for the Gaming Board. I do apologize.

Should you have any questions or concerns, please do not hesitate to contact me.

Kind regards,

Felicia Novak
Administrative Assistant
Re/Max American Made
Nevada's Finest Properties LLC
3568 E. Russell Road
Las Vegas, NV 89120
P: 702-982-2587
Fax: 702-982-2741
www.nevadasfinestproperties.com

BEFORE THE COMMISSION FOR COMMON-INTEREST
COMMUNITIES AND CONDOMINIUM HOTELS
STATE OF NEVADA

FILED

NOV 30 2015

NEVADA
COMMON INTEREST
AND CONDOMINIUM

CP

Mary Felicia Novak,

Petitioner.

ORDER DENYING LICENSE DENIAL APPEAL

TO: VIA CERTIFIED MAIL

MARY FELICIA NOVAK

LAS VEGAS, NEVADA 89147

This matter having come before the Commission at its regularly scheduled meeting on November 17, 2015 at 1919 College Parkway, Carson City, Nevada and video conferenced to 555 E. Washington Ave., Room 2450, Las Vegas, Nevada, Petitioner, Mary Felicia Novak did not appear. The Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division") received notice from Petitioner requesting to appeal to the Commission regarding the Division's denial of her license. Petitioner was notified of the time and date for the hearing before the Commission.

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1 The Commission, being fully apprised in the premises and good cause appearing to the
2 Commission, by unanimous vote, ORDERS as follows:

- 3 • Petitioner's license denial appeal is DENIED.

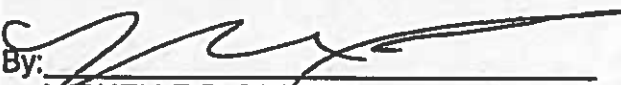
4 IT IS SO ORDERED.

5
6 DATED this 24th day of November, 2015

7 COMMISSION FOR COMMON-INTEREST
8 COMMUNITIES AND CONDOMINIUM HOTELS
9 DEPARTMENT OF BUSINESS & INDUSTRY
10 STATE OF NEVADA

11 By: 
12 SCOTT SIBLEY, CHAIRMAN

13 Submitted by:
14 ADAM PAUL LAXALT
15 Attorney General

16 By: 
17 MICHELLE D. BRIGGS
18 Senior Deputy Attorney General
19 555 East Washington Avenue, Suite 3900
20 Las Vegas, Nevada 89101
21 (702) 486-3809
22 Attorneys for Real Estate Division
23
24
25
26
27
28

REC'D 9/28/15

TERALYN THOMPSON

From: Felicia Novak <Felicia@nevadasfinestproperties.com>
Sent: Friday, October 16, 2015 9:27 AM
To: TERALYN THOMPSON
Subject: Appeal

Good Morning Teralyn,

I would like to request a closed session appeal before the Commission of Common Interest Communities for the denial of my Provisional Community Manager license.

Thank you. Should you have any questions or concerns, please do not hesitate to contact me.

Kind regards,

Mary Felicia Novak
Administrative Assistant
Re/Max American Made
Nevada's Finest Properties LLC
3568 E. Russell Road
Las Vegas, NV 89120
P: 702-982-2587
Fax: 702-982-2741
www.nevadasfinestproperties.com

BRIAN SANDOVAL
Governor

STATE OF NEVADA



BRUCE H. BRESLOW
Director

JOSEPH (JD) DECKER
Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION
www.red.state.nv.us

August 24, 2015

Mary Felicia Novak
[REDACTED]

Las Vegas, Nevada 89147

Re: Provisional Community Application

Cert. No.: 7012 1010 0000 1165 9905

Dear Ms. Novak:

The Nevada Real Estate Division has reviewed your application for a provisional community manager certificate. You failed to meet the requirements for issuance of a provisional community manager certificate based on your disclosed plea of guilty to Attempt Compounding Crimes for fraudulent real estate investment activity. You were ordered probation and restitution.

After careful consideration, it is the determination of the Division to deny your application for a provisional community manager certificate. The denial of your application is pursuant to NAC 116A.130.

NAC 116A.130 Denial of application: Grounds; fee not refundable.

1. The Division shall deny an application for a certificate

(j) The applicant has been convicted of, or entered a plea of guilty or nolo contendere to forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or possessing for the purpose of sale any controlled substance or any crime involving moral turpitude;

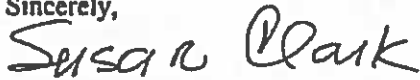
NAC 116A.130 mandates the denial of an application for a certificate for conviction or plea of guilty of crimes listed above.

You have the right to request, in writing, an appeal of this decision within 30 days of receiving this letter per NAC 116A.135. Please be advised that at an appeal hearing, your certification file may be reviewed and may question you thereon.

If you wish to appeal this decision, please mail your request accompanied by any court documentation necessary to support your justification to request an appeal to the Real Estate Division to the attention of:

Teralyn Thompson, Administrative Section Manager
Nevada Real Estate Division
2501 E Sahara Ste 303
Las Vegas, Nevada 89104

Sincerely,

A handwritten signature in black ink that reads "Susan Clark". The signature is written in a cursive, flowing style.

Susan Clark
LICENSING MANAGER

cc: Amy Groves

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

2501 East Sahara Avenue, Suite 102 * Las Vegas, NV 89104-4137 * (702) 486-4866
e-mail: realest@red.state.nv.us

RECEIVED
FEB 11 2015
DEPT OF BUSINESS & INDUSTRY
REAL ESTATE DIVISION - LV
LICENSING

COMMUNITY MANAGER APPLICATION

Only information deemed by law to be confidential shall be confidential (SSN, exam results, background investigation results). Most information provided by an applicant for licensure is public information and must be provided upon request. By policy, the Real Estate Division shall post (via the web site) and sell licensee lists which include the licensee's name, business address (even if same as home address), and business telephone number.

Fee: \$200.00 (\$175.00 application fee and \$25.00 certificate fee) Cash (exact change) or check (made payable to NRED) accepted.

Date: 2.11.15

Application for:
(please check one box)

☒ Provisional Community Manager
☐ Community Manager

☐ No ☒ Yes ARE YOU A NEVADA RESIDENT?

☐ No ☒ Yes ARE YOU A U.S. CITIZEN?

If you checked no, please provide the country you hold Citizenship.

Non-United State Citizen must provide proof of the right to work in the US as an employee or independent contractor

Provide a copy of a current I.N.S. card, work permit card, or permanent resident card. Clear readable copies accepted.

1. APPLICANT INFORMATION:

Full legal name: (Please print): Mary Felicia Novak
First Name Middle Last Name

Residence Address: [REDACTED] Las Vegas, NV 89117
Number & Street City State Zip Code

Phone number: [REDACTED] Cell number: 702 [REDACTED]

Email address: [REDACTED] SSN: [REDACTED] DOB: [REDACTED]

Include Mailing Address if different from your residence Address:

Mailing Address: [REDACTED]
Number & Street City State Zip Code

2. BUSINESS AFFILIATION:

Business Name: (If applicable) Nevada's Finest Properties

Business Address: 3565 E. Russell Rd., Las Vegas, NV 89120
Number & Street City State Zip Code

Business Mailing Address: [REDACTED]
Number & Street City State Zip Code

Phone: 702. 982 2587 Bus Email: felicia@nevadasfinestproperties.com

(For Provisional Community Manager applicants, business name and address must be the same as that of the Supervising Community Manager's certification.)

Division Use Only: Receipt # 354110 Date: 2.11.15 Initials: MS

FP cards sent 2.11.15

1684-MO

2nd set 2.17.15

NV Real Estate Division

3. OCCUPATION: 10 years consecutive required. Please indicate unemployment dates if applicable. Attach additional sheets if needed.

Occupation	Company	City, State	From (m/d/y)	To (m/d/y)
Unemployed	See Attached		05/15/14	07/07/14

4. BACKGROUND: Check appropriate box. Errors must be initialed.

No Yes

- ☒ ☐ a. Have you or any business in which you are or were an owner, partner, officer or director ever been involved in an administrative proceeding regarding any professional or occupational license?
- ☒ ☐ b. Has any license issued to you or any partnership or corporation of which you were a member or officer by any public authority been suspended or revoked, or the application for a license been denied?
- ☒ ☐ c. Has an application for any type of license been denied?
- ☒ ☐ d. Has a surety company declined to be surety on any bond written on you in the two years prior to the date of the application?
- ☐ ☒ e. Have you ever filed bankruptcy or has bankruptcy been filed against you? If filed within 7 years from the date of this application, please provide a copy of the discharge.
Date of discharge 09/20/14 (MM/YY)
- ☐ ☒ f. Have you ever been charged with or arrested for a felony, gross misdemeanor, or misdemeanor?
- ☐ ☒ g. Have you ever been convicted of a felony, gross misdemeanor, or misdemeanor?
- ☒ ☐ h. Have you ever received an executive pardon?
- ☒ ☐ i. Are you presently on parole or probation or paying any restitution?
- ☒ ☐ j. Have you ever been permitted to change your plea of guilty or had a criminal conviction reversed, or had a judgment or verdict vacated?
- ☒ ☐ k. Have you ever been convicted of, or are you under indictment for or have you entered a plea of guilty or nolo contendere to forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude?

If you answer is YES to any of the questions listed above, attach the order of the court or agency which was rendered as a result of the proceedings. Submit a written statement addressed to the Nevada Real Estate division. Include the full details, including the location, dates, specific details of the incident, the initial charge, the final disposition, the court decision, the current status of any restitution, and current disposition. Provide complete court documents of the final outcome and receipts of payment(s) made. The division reserves the right to ask for any other pertinent information on an attached sheet.

5. CHILD SUPPORT DECLARATION: (CHOOSE ONLY ONE STATEMENT)

Please indicate in the appropriate box below which one of the provisions apply to you. Your application for the issuance of this license will be DENIED if you do not complete this section.

- ☒ I am not subject to a court order for the support of a child.
- ☐ I am subject to a court order for the support of one or more children and AM IN COMPLIANCE with that order or plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed in that order.
- ☐ I am subject to a court order for the support of one or more children and NOT IN COMPLIANCE with that order or plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed in that order.

6. APPLICANT DECLARATION:

I hereby state under penalty of perjury that the answers contained in this application are true and correct, that if I am subject to a court order for support of one or more children and I am not in compliance with that order or plan, my application for license, certification or renewal of a license or certification will be denied, that I will faithfully comply with all the statutes and regulations of the State of Nevada pertaining to the conduct of certified Community Managers in the State of Nevada, that by signing this application, authorize any person or institution to which reference is made by me in connection with the application to release or divulge to the Real Estate Division any information in the possession of such person or institution regarding me. I, by signing and filing this application, authorize any person or institute, to whom reference is made by me in connection with the application, to release or divulge to the Real Estate Division any information in the possession of such person or institution regarding me.

I, Felicia Novak State that I am the applicant named, that I have personally prepared the foregoing application, and that the statements made by me in this application are true under penalty of perjury.

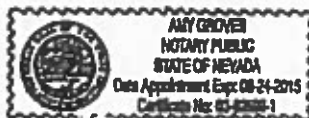
Signature of applicant x Mary Felicia Novak

Verification upon oath or affirmation.

State of Nevada
ss. County of Clark

Signed and sworn to (or affirmed) before me on 2-9-15 by Mary Felicia Novak
(Date) (Print Name of Person making statement)

Seal



x Amy Grover
Signature of Notarial Officer

NV Real Estate Division

7. **SUPERVISING COMMUNITY MANAGER:** Please complete this form for a provisional Community Manager applicant only.

Nevada's Finest Properties, LLC

Name of Business (Company name where certificate holder is conducting his/her business.)

3568 E Russell Rd., Suite A, Las Vegas, NV 89102

Location address (provide number, street, city, state, zip)

Business mailing address (if different from business location address)

702-982-2587

Business Telephone Number

ACKNOWLEDGEMENT: Supervisor Acknowledgement of Intent to Employ

This is to verify that I, Amy Graves, am a duly certified Community Manager on active status and registered with the Nevada Real Estate Division of the Department of Business and Industry. It is my present intent to employ or associate with me the within named Provisional Community Manager: Felicia Nunez. I will exercise careful supervision over his/her community management activities while he/she is associated with or employed by me.

Amy Graves
(Print name of Supervising Community Manager)

A Graves
(Original signature of Supervising Community Manager)

Nevada Certificate #: 1D245

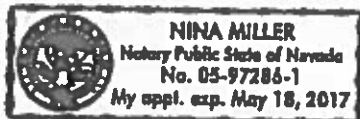
Verification upon oath or affirmation.

State of Nevada

ss. County of Clark

Signed and sworn to (or affirmed) before me on 2/2/15, by Nina Miller.
(Date) (Print Name of Person making statement)

Seal



x Nina Miller
Signature of Notarial Officer

REPORT OF EXISTENCE OF NEVADA BUSINESS LICENSE
Pursuant to NRS 116A.435

All applicants MUST complete this section. Please select ONE option.

☐ I have a Nevada business license number assigned by the Nevada Secretary of State upon compliance with the provisions of NRS Chapter 76.

My Nevada business license number is: _____

☐ I have applied for a Nevada business license with the Nevada Secretary of State upon compliance with the provision of NRS Chapter 76 and my application is pending.

☒ I do NOT have a Nevada business license number.

The Real Estate Division is not the arbiter of determining whether the applicant needs a business license. Information about the Nevada business license can be found on the Secretary of State's website at: <http://nvsos.gov/>



CIVIL APPLICANT WAIVER

NOTICE OF NONCRIMINAL JUSTICE APPLICANT'S RIGHTS

As an applicant who is the subject of a Federal Bureau of Investigation (FBI) fingerprint-based criminal history record check for a noncriminal justice purpose you have certain rights which are discussed below.

1. You must be notified by (enter name of submitting agency) Nevada Real Estate Division (NRED) that your fingerprints will be used to check the criminal history records of the FBI and the State of Nevada.
2. If you have a criminal history record, the officials making a determination of your suitability for the job, license or other benefit for which you are applying must provide you the opportunity to complete or challenge the accuracy of the information in the record. You may review and challenge the accuracy of any and all criminal history records which are returned to the submitting agency. The proper forms and procedures will be furnished to you by the Nevada Department of Public Safety, Records Bureau upon request. If you decide to challenge that accuracy or completeness of your FBI criminal history record, Title 28 of the Code of Federal Regulations Section 16.34 provides for the proper procedure to do so:
16.34 – Procedure to obtain change, correction or updating of identification records.
If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.
3. Based on 28CFR § 50.12 (b), officials making such determinations should not deny the license or employment based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
4. You have the right to expect that officials receiving the results of the fingerprint-based criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal or state statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.
5. I hereby authorize (enter name of the requesting agency) Nevada Real Estate Division (NRED) to submit a set of my fingerprints to the Nevada Department of Public Safety, Records Bureau for the purpose of accessing and reviewing State of Nevada and FBI criminal history records that may pertain to me.
In giving this authorization, I expressly understand that the records may include information pertaining to notations of arrest, detentions, indictments, information or other charges for which the final court disposition is pending or is unknown to the above referenced agency. For records containing final court disposition information, I understand that the release may include information pertaining to dismissals, acquittals, convictions, sentences, correctional supervision information and information concerning the status of my parole or probation when applicable.

6. I hereby release from liability and promise to hold harmless under any and all causes of legal action, the State of Nevada, its officer(s), agent(s) and/or employee(s) who conducted my criminal history records search and provided information to the submitting agency for any statement(s), omission(s), or infringement(s) upon my current legal rights. I further release and promise to hold harmless and covenant not to sue any persons, firms, institutions or agencies providing such information to the State of Nevada on the basis of their disclosures. I have signed this release voluntarily and of my own free will.

A reproduction of this authorization for release of information by photocopy, facsimile or similar process, shall for all purposes be as valid as the original.

In consideration for processing my application I, the undersigned, whose name and signature voluntarily appears below; do hereby and irrevocably agree to the above.

Applicant's Name: Novak, Mary Felicia
Address: [REDACTED] LV, NV 89117
Applicant's Signature: Mary Felicia Novak
Date: 2/4/15

Submitting Agency: Nevada Real Estate Division (NRED)
Address: 2501 E. Sahara, Suite 102, Las Vegas, NV 89104
Agency representative: Sharon Michelle J
(PLEASE PRINT LAST, FIRST, MIDDLE)
Agency representative's Signature: [Signature]
Date: 2.11.15

PSI SERVICES LLC

This report certifies that the candidate listed below has taken a State of Nevada Real Estate licensing examination and achieved the results detailed below.

State of Nevada Real Estate

Candidate I.D.#: [REDACTED]

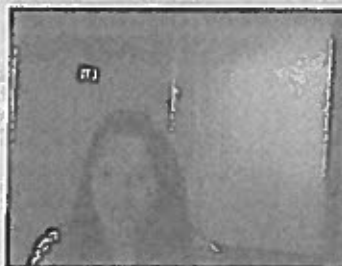
EXAM DATE: 01/22/2015

EXAM: NV Community Manager

Mary Felicia Novak

[REDACTED]

Las Vegas, Nevada 89117



The following is an analysis of your examination:

Portion NV Community Manager

Topic	# Questions	# Correct
Terminology and Definitions		
Governing Documents of Common-Interest Communities		
Governance of Common-Interest Communities		
Meetings and Elections		
Regulatory Authorities and Scope of Oversight		
Developer Control and Transition		
Financial Management		
Facilities Management		
Risk Management		
Association Powers of Enforcement		
Business Ethics		
RESULT ~ PASS ~	Total:	

Congratulations! You have passed the NV Community Manager Examination.

If you need to register for another examination, you may visit our website at www.psilexams.com or call PSI at 1-800-733-9267 the next business day or later to register with a Visa or Mastercard.

CERTIFICATE OF ATTENDANCE

NEVADA REAL ESTATE PRE-CERTIFICATE

FELICIA NOVAK

Has successfully attended and completed
Pre-Certificate Classroom Education Course

COMMUNITY MANAGEMENT EDUCATIONAL TRACT

60 Hours Pre-certification - PL.06060-CAM
Law/Property Management

and

Community Association Management

On

November 13, 2014

This course is sponsored by:

Community Association Solutions & Key Realty Schools

Authorized Signature

Jane E. Bailey

This course is approved by the Nevada Commission for Common Interest Communities and Condo Hotels



MARY FELICIA NOVAK

Las Vegas, NV 89131 • 702-366-4257

Objectives

Dedicated and technically skilled business professional with a versatile administrative support skill set developed through experience as a REALTOR®, Paralegal, and Property Manager. Excel in resolving employer challenges with innovative solutions, systems and process improvements proven to increase efficiency, customer satisfaction and the bottom line. Offer advanced computer skills in MS Office Suite, Real Page, Yardi, OneSite, AppFolio, Tops, and other applications/systems.

Key Skills

Office Management
Teambuilding & Supervision
Staff Development & Training
Policies & Procedures Manuals

Report & Document Preparation
Spreadsheet & Database Creation
Accounts Payable/Receivable
Bookkeeping & Payroll

Records Management
Meeting & Event Planning
Inventory Management
Expense Reduction

Professional Experience

NEVADA'S FINEST PROPERTIES/RE/MAX AMERICAN MADE

07/08/2014 – CURRENT

Administrative Assistant

Assisted in managing home owner's association and rental units. Customer service, data entry. Completed my 60 hour education in Community Manager.

ALLIANCE RESIDENTIAL

01/23/2013 – 05/14/2014

Assistant Manager

Assisted in managing an apartment complex with 432 units. Assisted in the preparation of annual budgets, year-end reconciliation, monthly accounting, monitored accounts receivables/payables and preparation of the declining budgets. Supervised Community Administrators and maintenance staff.

IRVINE COMPANY

8/20/2012 – 12/1/2012

Assistant Manager

Assisted in managing an apartment complex with 753 units. Assisted in the preparation of annual budgets, year-end reconciliation, monthly accounting, monitored accounts receivables/payables and preparation of the declining budgets. Supervised Community Administrators and maintenance staff.

PICERNE PROPERTY MANAGEMENT, Las Vegas, NV

6/15/2012 – 8/20/2012

Assistant Manager

Assisted in managing two apartment complexes with 749 units. Assisted in the preparation of annual budgets, year-end reconciliation, monthly accounting, monitored accounts receivables/payables and preparation of the declining budgets. Supervised leasing consultants and maintenance staff.

FAIRFIELD RESIDENTIAL, Las Vegas, NV

8/25/2010 – 6/15/2012

Assistant Manager

Assisted in managing two apartment complexes with 749 units. Assisted in the preparation of annual budgets, year-end reconciliation, monthly accounting, monitored accounts receivables/payables and preparation of the declining budgets. Supervised leasing consultants and maintenance staff.

REALTY ONE GROUP, Henderson, NV

4/2007 to 8/2010

Real Estate Agent

Market homes in the local community by utilizing a proven successful marketing plan. Provide virtual tours on web site of homes listed providing them with additional exposure. Create sales brochures for each listing to profitably market the home. Promote sales of properties through advertisements, open houses, and participation in multiple listing services. Negotiate the best possible contract for clients. Work with home inspectors and appraisers to determine any and all actions that need to be taken prior to closing. Ensure that all terms of the contract are met prior to closing.

Manage Single Family Residence and developing strong tenant relationships. Informing clients of the rental market and educate tenants while clarifying complex issues. Proven ability to save costs and grow revenue through analytical thinking and financial management. Proficient in Windows XP, Word Excel, Quicken and Quickbooks.

COLDWELL BANKER WARDLEY, LIBERTY REALTY, GREAT BASIN
REALTY, REALTY ONE GROUP & MANAGEMENT ONE GROUP
Henderson, NV

4/2003 – 2/2007

Real Estate Agent

Successfully guided homebuyers and sellers through the sale and purchase process of properties. Generated lists of properties that were compatible with buyers' needs and financial resources. Coordinated appointments to show homes to prospective buyers. Established positive flow of communication with other agents, buyers and sellers, mortgage officers, title personnel and attorneys involved in the home buying and selling process. Presented purchase offers to sellers for consideration. Negotiated contracts on behalf of clients. Coordinated property closings, overseeing signing of documents and disbursement of funds.

WILLIAM LEWIS WOLFBRANDT, ESQ.
North Las Vegas, NV

3/1997 – 2/2000

Paralegal

Organized and executed an extensive court calendar; prepared Attorney for the daily case load, prepared for trial by organizing case exhibits and evidence, prepared legal documents for Attorney review, filing & submission to the Judge, accurately maintained client data, researched documents and publications for details that would establish evidence, drafted judicial correspondence and handled all court mailings. Client relations.

Education

KEY REALTY SCHOOL, Las Vegas, NV	2014
<i>Academic Certificate – Community Management</i>	
KEY REALTY SCHOOL, Las Vegas, NV	2005
<i>Academic Certificate – Property Management</i>	
LAS VEGAS REAL ESTATE SCHOOL, Las Vegas, NV	2003
<i>Academic Certificate – Real Estate</i>	
LAS VEGAS COLLEGE, Las Vegas, NV	1998
<i>Associates Degree in Paralegal</i>	

To Whom It May Concern:

Explanation –

I worked for a Company as a personal assistant. I created contracts, took phone calls for the owner, and kept the investors up on any information the owner wanted me to relay to them. I deposited money, wrote checks, balanced accounting and refunded money to investors that wanted to cancel their contracts. I was advised by our main investor who was assisting the owner in building the community in Hawaii that he was no longer going to be a part of the project unless Todd Kitchens the owner refunded all the money back to the small investors. I advised the owner of the company that I would no longer be a part of the project. I released all monies to the Todd Kitchens the owner of the company and left the company. At no time did I hold any money, nor take any money. I gave full accounting to all investors and explained to them why I was leaving. I pled to the charges instead of going to trial because I had a bad attorney and I am single mother of two girls and didn't have the money to hire a new attorney.

Thank you for your consideration.

Mary Felicia Novak

1 **GMEM**
2 **CATHERINE CORTEZ MASTO**
3 **Attorney General**
4 **By: ADAM L. WOODRUM**
5 **Deputy Attorney General**
6 **Nevada Bar Number 10284**
7 **Criminal Justice Division**
8 **555 E Washington Avenue, Suite 3900**
9 **Las Vegas, Nevada 89101**
10 **(702) 486-3904**
11 **Facsimile: (702) 486-2377**
12 **AWoodrum@ag.nv.gov**
13 **Attorney for State of Nevada**

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 ***

11 **THE STATE OF NEVADA,**

12 **Plaintiff,**

13 **vs.**

14 **MARY FELICIA NOVAK, #X0119935**

15 **Defendant.**

CASE NO.: C255254
DEPT NO: XXIII

16 **GUILTY PLEA AGREEMENT**

17
18
19 I hereby agree to plead guilty to: **ATTEMPT COMPOUNDING CRIMES (CATEGORY**
20 **"E" FELONY or GROSS MISDEMEANOR – NRS 199.290, 193.330)** as more fully alleged in
21 the charging document attached hereto as Exhibit "1".

22 My decision to plead guilty is based upon the plea agreement in this case which is as
23 follows:

24 1. I, MARY FELICIA NOVAK, will enter a plea of **GUILTY** to the sole count of the
25 Criminal Information, **ATTEMPT COMPOUNDING CRIMES (CATEGORY "E" FELONY or**
26 **GROSS MISDOMEANOR – NRS 199.290, 193.330);**

27 2. Agree to felony adjudication at sentencing.

28 **///**

- 1 3. Agree to pay \$40,000.00 restitution to the victims named in the Information filed
- 2 June 29, 2009, joint and several with Todd Kitchens.
- 3 4. Agree to pay \$2,500.00 in investigative costs to the Nevada Secretary of State
- 4 5. The parties will stipulate to probation not to exceed 5 years.
- 5 6. If successful on probation, the State will stipulate to vacating the felony adjudication,
- 6 and adjudicating the defendant at the gross misdemeanor level.
- 7 7. Success depends on
- 8 a. Honorable discharge from probation
- 9 b. Full payment of \$40,000.00 restitution
- 10 c. Success will not depend on payment of investigative fees.
- 11 8. The State will stipulate to early termination of probation upon full payment of
- 12 restitution, but no earlier than one year after sentencing.
- 13 9. Named victims will retain their statutory right to speak at sentencing.
- 14 10. State retains the right to argue regarding conditions of probation not specifically
- 15 outlined above.
- 16
- 17

18 I have entered into these negotiations and have signed this document of my own free
19 will without threat or promise on the part of anyone other than expressed herein.

20 Furthermore, I understand that if the State of Nevada has agreed to recommend or
21 stipulate to a particular sentence or has agreed not to present argument regarding the
22 sentence, or agreed not to oppose a particular sentence, any such agreement by the State is
23 contingent upon my appearance in court on the initial sentencing date and any subsequent
24 date if the sentencing is continued.

25 I understand that if I fail to appear for the scheduled sentencing date or I commit a new
26 criminal offense prior to sentencing the State of Nevada would regain the full right to argue for
27 any lawful sentence.

28 ///

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty I admit the facts which support all the elements of the offense(s) to which I now plead as set forth in Exhibit "1".

I understand that as a consequence of my plea of guilty to Count I, ATTEMPT COMPOUNDING CRIMES (CATEGORY "E" FELONY or GROSS MISDEMEANOR - 199.290, 193.330), that if adjudicated as a Felony, I may be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. Except as otherwise provided in paragraph (b) of subsection 1 of NRS 176A.100, upon sentencing a person who is found guilty of a category E felony, the court shall suspend the execution of the sentence and grant probation to the person upon such conditions as the court deems appropriate. Such conditions of probation may include, but are not limited to, requiring the person to serve a term of confinement of not more than 1 year in the county jail. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater penalty is authorized or required by statute. I understand that the law requires me to pay an Administrative Assessment Fee.

I understand that if adjudicated as a Gross Misdemeanor, I may be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than \$2,000, or by both fine and imprisonment

I understand that, if appropriate, I will be ordered to make restitution to the victim of the offense(s) to which I am pleading guilty and to the victim of any related offenses which are being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for any expenses related to my extradition, if any.

I understand the Attorney General's Office shall not be bound by any oral negotiations preceding the actual execution of this Agreement until such time as this Agreement has been actually executed, that is, signed by the prosecutor representing the State of Nevada and the Attorney General's Office and I have entered my plea before the court.

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1 I understand that if more than one sentence of imprisonment is imposed and I am
2 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
3 the sentences served concurrently or consecutively.

4 I also understand that information regarding charges not filed, dismissed charges, or
5 charges to be dismissed pursuant to this agreement may be considered by the judge at
6 sentencing.

7 I have not been promised or guaranteed any particular sentence by anyone. I know
8 that my sentence is to be determined by the Court within the limits prescribed by statute. I
9 understand that if my attorney or the State of Nevada or both recommend any specific
10 punishment to the Court, the Court is not obligated to accept the recommendation.

11 I understand if the offense to which I am pleading guilty to was committed while I was
12 incarcerated on another charge or while I was on probation or parole that I am not eligible for
13 credit for time served toward the instant offenses.

14 I understand that, as a consequence of my plea of guilty or nolo contendere, if I am not
15 a citizen of the United States, I may, in addition to other consequences provided by law, be
16 removed, deported, and/or excluded from entry into the United States or denied naturalization.

17 I understand that the Division of Parole and Probation will prepare a report for the
18 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
19 sentencing, including my criminal history. This report may contain hearsay information
20 regarding my background and criminal history. My attorney and I will each have the
21 opportunity to comment on the information contained in the report at the time of sentencing.
22 Unless the Attorney General has specifically agreed otherwise, the Attorney General may also
23 comment on this report.

24 WAIVER OF RIGHTS

25 By entering my plea of guilty, I understand that I am waiving and forever giving up the
26 following rights and privileges:

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1 1. The constitutional privilege against self-incrimination, including the right to refuse to
2 testify at trial, in which event the prosecution would not be allowed to comment to the jury
3 about my refusal to testify.

4 2. The constitutional right to a speedy and public trial by an impartial jury, free of
5 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the
6 assistance of an attorney, either appointed or retained. At trial the State would bear the
7 burden of proving beyond a reasonable doubt each element of the offense charged.

8 3. The constitutional right to confront and cross-examine any witnesses who would
9 testify against me.

10 4. The constitutional right to subpoena witnesses to testify on my behalf.

11 5. The constitutional right to testify in my own defense.

12 6. The right to appeal the conviction, with the assistance of an attorney, either
13 appointed or retained, unless the appeal is based upon reasonable constitutional jurisdictional
14 or other grounds that challenge the legality of the proceedings and except as otherwise
15 provided in subsection 3 of NRS 174.035.

16 **VOLUNTARINESS OF PLEA**

17 I have discussed the elements of all of the original charges against me with my attorney
18 and I understand the nature of the charges against me.

19 I understand that the State would have to prove each element of the charges against
20 me at trial.

21 I have discussed with my attorney any possible defenses, defense strategies and
22 circumstances which might be in my favor.

23 All of the foregoing elements, consequences, rights, and waiver of rights have been
24 thoroughly explained to me by my attorney.

25 I believe that pleading guilty and accepting this plea bargain is in my best interest, and
26 that a trial would be contrary to my best interest.

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28 ///

Attorney General's Office
555 E. Washington, Room 3500
Las Vegas, NV 89101

1 I am signing this agreement voluntarily, after consultation with my attorney, and I am
2 not acting under duress or coercion or by virtue of any promises of leniency, except for those
3 set forth in this agreement.

4 I am not now under the influence of any intoxicating liquor, a controlled substance or
5 other drug which would in any manner impair my ability to comprehend or understand this
6 agreement or the proceedings surrounding my entry of this plea.

7 My attorney has answered all my questions regarding this guilty plea agreement and its
8 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

9 DATED this 8th day of June, 2010.

10
11 Mhoup Felicia Norzok
12 Defendant

13 AGREED TO BY:

14
15 Adam L. Woodrum
16 ADAM L. WOODRUM
17 Deputy Attorney General
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CERTIFICATE OF COUNSEL:

I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court hereby certify that:

1. I have fully explained to the Defendant the allegations contained in the charge(s) to which guilty pleas are being entered.

2. I have advised the Defendant of the penalties for each charge and the restitution that the Defendant may be ordered to pay.

3. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent with the facts known to me and are made with my advice to the Defendant.

4. To the best of my knowledge and belief, the Defendant:

a. Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement.

b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily.

c. Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time I consulted with the defendant as certified in paragraphs 1 and 2 above.

Dated: This ____ day of _____, 2010.

ATTORNEY FOR DEFENDANT

1 **INFO**
2 **CATHERINE CORTEZ MASTO**
3 **Attorney General**
4 **By: ADAM L. WOODRUM**
5 **Deputy Attorney General**
6 **Nevada Bar Number 10284**
7 **Criminal Justice Division**
8 **555 E Washington Avenue #3900**
9 **Las Vegas, Nevada 89101**
10 **(702) 488-3904**
11 **Facsimile: (702) 488-3768**
12 **Email: AWoodrum@ag.nv.gov**
13 **Attorney for Plaintiff**

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

11 . . .

12 **THE STATE OF NEVADA,**

13 **Plaintiff,**

14 **vs.**

15 **MARY FELICIA NOVAK, #X0118935**

16 **Defendant.**

CASE NO.: C255254
DEPT NO.: XXIII

17
18 **FIRST AMENDED INFORMATION**

19 **CATHERINE CORTEZ MASTO, Attorney General of the State of Nevada, by and**
20 **through Deputy Attorney General ADAM L. WOODRUM, informs this Honorable Court that**
21 **MARY FELICIA NOVAK, the above named defendant, has committed the crimes of**
22 **ATTEMPT COMPOUNDING CRIMES (CATEGORY "E" FELONY or GROSS**
23 **MISDOMEANOR – NRS 199.290, 193.330) within the County of Clark, State of Nevada, as**
24 **follows:**

25 **///**

26 **///**

27 **///**

28 **///**

Attorney General's Office
555 E. Washington, Suite 3000
Las Vegas, NV 89101

COUNT ONE

ATTEMPT COMPOUNDING CRIMES

(Category "E" Felony of Gross Misdemeanor – NRS 199.290, 193.330)

That the Defendant, **MARY FELICIA NOVAK**, did ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that she would compound or conceal a crime or violation of a statute, or abstain from testifying thereto, delay a prosecution therefor or withhold any evidence thereof, except in a case where a compromise is allowed by law, to wit: That on or about between October 1, 2005 and November 1, 2006, the Defendant **MARY FELICIA NOVAK** did receive compensation from **TODD KITCHENS** for concealing a continuing course of fraudulent conduct by lying to investors about the true status of a purported real estate project and corresponding investment in Innovative Real Estate Investments Kona Blue Project.

The above crimes are contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada. Complainant makes this declaration subject to the penalty of perjury.

DATED this 26 day of May, 2010.

CATHERINE CORTEZ MASTO
Attorney General

By: 

ADAM L. WOODRUM
Deputy Attorney General
Criminal Justice Division
(702) 486-3804

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Dept. 9

WITNESS LIST

The following list contains the names and addresses of all witnesses known to the Office of the Attorney General's Criminal Justice Division, Special Prosecutions Unit at the time accompanying the filing of this Criminal Information.

1. Nancy Mosco; 1201 Alderton Lane, Las Vegas, NV 89144
2. Joanna Calhoun; 1201 Alderton Lane, Las Vegas, NV 89144
3. Jason Shroads; 8104 Blue Cascade Avenue, Las Vegas, NV 89128
4. Mark Reppert; 1891 Balzac Drive, Las Vegas, NV 89156
5. Nadine Ulrich; 4612 Stormy Hills Drive, Las Vegas, NV 89130
6. Lynette Martinez; 3616 Pantego Avenue, North Las Vegas, NV 89031
7. Investigator John Arana; Secretary of State's Office, 555 E. Washington Avenue, Las Vegas NV 89101.